

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Criminal Action No.
) 07-00255-05-CR-W-ODS
CHRISTOPHER D. WAGGONER,)
)
Defendant.)

REPORT AND RECOMMENDATION

On November 7, 2007, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a judicial determination of Defendant's mental competency (Doc. No. 44). Defendant was examined by Dr. John H. Wisner, M.D., who prepared a report dated December 19, 2007. In the report, Dr. Wisner stated Defendant "does suffer from a mental disease or defect, and is incompetent to the extent that he is unable to fully understand and more important to reliably use his understanding of the nature and consequences of the proceeding against him, and is likewise unable to assist properly in his defense." Dr. Wisner further opined that Defendant "should be re-evaluated after treatment in the expectation that his paranoia and poor concentration will recede, allowing him to proceed as a competent defendant."

On January 3, 2008, I held a competency hearing. Defendant was present, represented by appointed counsel David Johnson. The government was represented by Charles Ambrose. During the hearing, both parties stipulated to Dr. Wisner's report (Tr. at 2). Neither party presented any additional evidence.

Based upon the uncontested evidence stipulated to by the parties in this case, I find that Defendant is not competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding Defendant incompetent to stand trial and to assist in his defense. It is further

RECOMMENDED that the court commit Defendant to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d).

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
January 7, 2008